REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(b)

DOCKET NUMBER: 50179-110

Prior Application:

Art Unit:

1638

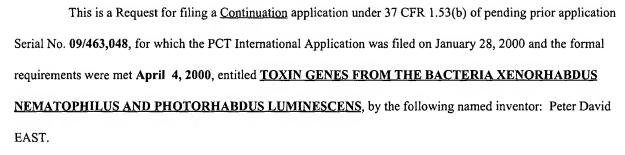
Examiner:

Kubelik

BOX

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:



- 1. \(\) I hereby state that the enclosed application contains no new matter.
- 2. Oath or Declaration
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
 - i. Deletion of inventor(s)

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

3. X Incorporation By Reference (useable if Box 2b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- 4. Preliminary Amendment is enclosed.
- 5. An Information Disclosure Statement and PTO1449 Form are submitted herewith.
- 6. Cancel claims 1-17.

202.77

PATENT TRADEMARK OFFICE

DOCKET NUMBER: 50179-110

7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

Principal Company	NO. OF	70.3	EXTRA		
	CLAIMS		CLAIMS	RATE	AMOUNT
Total Claims	5	-20	0	\$18.00 =	\$0.00
Independent Claims	1	-3	0	\$84.00 =	\$0.00
Basic Application Fee					\$750.00
If multiple dependent claims are presented, add \$0.00					\$0.00
Total Application Fee					\$750.00
Subtract ½ if small entity				\$0.00	
TOTAL APPLICATION FEE DUE					\$750.00
AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417				\$750.00	

7a. 🔛	Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
7b. 🔲	A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.
8a. 🔀	PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$750.00
8b. 🔀	The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 09/463,048 or credit any overpayment to Deposit Account No. 500417.

- 9. \square Amend the specification by inserting before the first line the sentence:
 - --This application is a **continuation** of Application Serial No. **09/463,038** filed **April 4, 2000** which is a **371** application of **PCT/AU98/00562.**--
- 10. Priority of Application Serial No. P0 8088 filed on July 17, 1997, in Australia is claimed under 35 USC 119. The certified priority document was filed in Application Serial No. 09/463,038 by WIPO.
- 11. \(\square\) The prior application is assigned of record to

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL ORGANISATION Campbell, AUSTRALIA

12. The power of attorney in the prior application is to:

McDermott, Will & Emery

Also enclosed:
Correspondence Address Change
Substitute Declaration

DOCKET NUMBER: 50179-110

14. A petition, fee and response has been filed to extend the term in the pending prior application until.

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery 600 13th Street, N.W. Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY

EUELD REG. NO. 39,048

Robert L. Price

Registration No. 22,685

600 13th Street, N.W. Washington, DC 20005-3096 (202) 756-8000 RLP:blp

Facsimile: (202) 756-8087

Date: July 14, 2003

Docket No.: 50179-110 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

•

Peter David EAST

•

Serial No.: Continuation of

Appln. Serial No. 09/463,048

Group Art Unit: Not yet assigned

Filed: July 14, 2003

Examiner: Not yet assigned

For: TOXIN GENES

TOXIN GENES FROM THE BACTERIA XENORHABDUS NEMATOPHILUS AND

PHOTORHABDUS LUMINESCENS

CORRESPONDENCE ADDRESS CHANGE

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please change the records to indicate the current firm name and telephone number for the above-identified application and forward all future correspondence as follows:

McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096

> 202-756-8000 Facsimile: 202-756-8087

> > Respectfully submitted,

MCDERMOTT, WILL & EMERY

REG. NO. 39, 048

FOC: Robert L. Price

Registration No. 22,685

600 13th Street, N.W. Washington, DC 20005-3096 (202) 756-8000 RLP:blp Facsimile: (202) 756-8087

Date: July 14, 2003